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AUGUST 14, 2018

NEWS RELEASE

City Files Motion to Dismiss Its Appeal Involving the Texas Antiquities Code

EL PASO, Texas – Today, the City of El Paso is filing a motion to dismiss its appeal involving the Texas Antiquities Code related to the Multipurpose Performing Arts and Entertainment Center (MPC) project. This appeal is pending before the Second Court of Appeals in Fort Worth.

"This lawsuit was initiated solely on the premise that the City of El Paso had not complied with state law in regards to providing notice to the Texas Historical Commission (THC); however the City has been and continuous to be in compliance," said Karla Nieman, Interim City Attorney. "At the time the lawsuit was filed, notice was not required because the City did not own the properties involved in the lawsuit."

City Remains in Compliance

In its response to the lawsuit supported by retired Houston oilman J.P. Bryan and filed through Max Grossman, the City of El Paso stated it was in compliance with state law because the eight properties identified in the lawsuit were not owned by the City, and the statutory requirement to give notice to the Texas Historical Commission (THC) was premature.

While the case has been pending on appeal, the City has acquired the properties involved in the lawsuit which are within the MPC footprint. The recent property acquisitions activated state requirements for publically-owned land.

City Submits Antiquities Permit Application

As part of its project development process, the City has filed an antiquities permit application with the Texas Historical Commission for an archeological review of the City-owned properties with the MPC footprint. The City has hired Moore Archeological Consulting, Inc. to conduct the study and to coordinate with the THC to ensure continued compliance with state law.

The MPC project is the largest of the three signature bond projects overwhelmingly approved by voters in 2012. A total of 102,358 people voted in favor of the project, representing 71.67 percent of the votes cast in the election. The ordinance calling for the election stated the project would be located in downtown. A judgment issued in August 2017 by an Austin judge allowed the City to build the project at its proposed location.

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